



General Assembly

**Substitute Bill No. 6957**

January Session, 2015



**AN ACT ESTABLISHING A HOUSEHOLD BATTERY RECYCLING STEWARDSHIP PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) For the purposes of sections  
2 2 to 15, inclusive, of this act:

3 (1) "Department" means the Department of Energy and  
4 Environmental Protection;

5 (2) "Brand" means a name, symbol, word or traceable mark that  
6 identifies a primary battery and attributes the primary battery to the  
7 owner or licensee of the brand or the producer;

8 (3) "Calendar year" means the period commencing January first and  
9 ending December thirty-first of the same year;

10 (4) "Collection rate" means a percentage, by weight, that each  
11 producer or primary battery stewardship organization collects by an  
12 established date and that is calculated by dividing the total weight of  
13 the primary batteries that are collected during a calendar year by the  
14 average annual weight of primary batteries that were estimated to  
15 have been sold in the state by participating producers during the  
16 previous three calendar years whenever such estimate is based on a  
17 reasonable pro rata calculation based on national sales;

18       (5) "Commissioner" means the Commissioner of Energy and  
19       Environmental Protection;

20       (6) "Consumer" means any person who presents or delivers any  
21       number of primary batteries to a collection facility or deposits such  
22       primary batteries in a collection container that is part of an approved  
23       primary battery stewardship plan;

24       (7) "Consumer product" means any product that is regularly used or  
25       purchased to be used for personal, family or household purposes.  
26       "Consumer product" does not include any product primarily used or  
27       purchased for industrial or business use;

28       (8) "Discarded primary battery" means a primary battery that is no  
29       longer used for its manufactured purpose;

30       (9) "Easily removable" means readily detachable by a person  
31       without the use of tools or with the use of common household tools;

32       (10) "Participate" means to appoint a primary battery stewardship  
33       organization to operate on behalf of oneself and to have such  
34       appointment accepted by such primary battery stewardship  
35       organization;

36       (11) "Primary battery" means a small rechargeable battery or a  
37       nonrechargeable battery that weighs two kilograms or less, including  
38       alkaline, carbon-zinc and lithium metal batteries. "Primary battery"  
39       does not include: (A) Any battery intended for industrial, business-to-  
40       business, warranty or maintenance services, or nonpersonal use; (B)  
41       any battery that is sold in a computer, computer monitor, computer  
42       peripheral, printer, television or device containing a cathode ray tube;  
43       (C) any battery that is not easily removable or that is not intended to be  
44       removed from a consumer product; or (D) any battery that is sold or  
45       used in a medical device, as defined in 21 USC 321, as amended from  
46       time to time;

47       (12) "Primary battery producer" or "producer" means one of the

48 following with regard to a primary battery that is sold or offered for  
49 sale in the state: (A) Any person who manufactures a primary battery  
50 and who sells or offers for sale such primary battery under such  
51 person's own name or brand; (B) any person who owns or licenses a  
52 trademark or brand under which a primary battery is sold or offered  
53 for sale, regardless of whether the trademark is registered; or (C) any  
54 person who imports a primary battery into the state for sale;

55 (13) "Primary battery stewardship organization" means an  
56 organization appointed by one or more producers to act as an agent on  
57 behalf of a producer or producers to design, submit, implement and  
58 administer a primary battery stewardship plan pursuant to section 2 of  
59 this act;

60 (14) "Primary battery stewardship plan" or "plan" means a plan  
61 submitted to the commissioner pursuant to section 2 of this act by an  
62 individual producer or a primary battery stewardship organization;

63 (15) "Program" or "stewardship program" means the system for the  
64 collection, transportation, recycling and disposal of primary batteries  
65 and small rechargeable batteries implemented pursuant to an  
66 approved primary battery stewardship plan;

67 (16) "Recycling" means any process by which discarded products,  
68 components and by-products are transformed into new usable or  
69 marketable materials in a manner in which the original products may  
70 lose their identity, but does not include energy recovery or energy  
71 generation by means of combusting discarded products, components  
72 and by-products with or without other waste products;

73 (17) "Retailer" means any person who offers a primary battery for  
74 sale to any consumer or business at retail in the state through any  
75 means, including, but not limited to, remote offerings such as sales  
76 outlets, catalogues or an Internet web site; and

77 (18) "Small rechargeable battery" means one or more voltaic or  
78 galvanic cells, electrically connected to produce electric energy that are

79 designed to be recharged, provide less than forty volts direct current  
80 and that weighs less than five kilograms. "Small rechargeable battery"  
81 does not include any battery that is not easily removable or that is not  
82 intended to be removed from a product from any person other than  
83 the manufacturer of such product, any battery that contains electrolyte  
84 as a free liquid, any battery or battery pack that employs the use of  
85 lead-acid technology, unless such battery or battery pack is sealed,  
86 contains no liquid electrolyte and is intended by the manufacturer to  
87 power a hand-held device or provide uninterrupted backup electrical  
88 power protection for stationary consumer products or stationary office  
89 equipment.

90 Sec. 2. (NEW) (*Effective from passage*) (a) On or before February 1,  
91 2016, any producer selling, offering for sale, distributing or offering for  
92 promotional purposes a primary battery in the state shall individually,  
93 or as part of a primary battery stewardship organization, submit a  
94 primary battery stewardship plan to the commissioner for the  
95 establishment of a primary battery stewardship program.

96 (b) Any primary battery stewardship plan submitted pursuant to  
97 this section shall include, at a minimum, each of the following  
98 elements of a primary battery stewardship program: (1) A list of: (A)  
99 All participating producers and contact information for each of the  
100 participating producers, and (B) the brands of primary batteries  
101 covered by the plan; (2) provisions for the collection of primary  
102 batteries from consumers at no cost to consumers regardless of the  
103 brand or producer of the primary battery; (3) provisions that enable  
104 retailers who meet requirements specified in the plan, all  
105 municipalities and all solid waste management facilities in the state to  
106 serve as collection facilities; (4) agreements with municipalities and  
107 collectors who offer curbside or backyard collection of designated  
108 recyclable items, as described in section 22a-241j of the general  
109 statutes, for the use of such collection and attendant collection  
110 containers for the collection of primary batteries from consumers at no  
111 additional cost to consumers; (5) establishment at a minimum, of not

112 fewer than seven collection facilities in each county in the state that  
113 provide for collection of primary batteries throughout the calendar  
114 year; (6) provision for the acceptance from a consumer of not more  
115 than fifty batteries per weekly collection of curbside or backyard  
116 collection of designated recyclable items, provided any other collection  
117 facility utilized by such plan may agree to accept more than fifty  
118 batteries per visit from any consumer; (7) a detailed method of  
119 management for discarded primary batteries that ensures that the  
120 components of primary batteries collected from consumers, to the  
121 extent economically and technically feasible, are recycled; (8) a listing  
122 of all key participants in the primary battery collection chain,  
123 including, but not limited to: (A) The number and name of the  
124 collection facilities, retailers, municipalities and collectors accepting  
125 primary batteries under the plan, including the address and contact  
126 information for each facility, retailer, collector and municipality, (B)  
127 the name and contact information of a transporter or contractor  
128 collecting primary batteries from collection facilities, retailers,  
129 municipalities and collectors, and (C) the name, address and contact  
130 information of the recycling facilities that process such collected  
131 primary batteries; (9) an education and outreach program that  
132 includes, but is not limited to, mass media advertising in radio or  
133 television broadcasts, newspaper publications of general circulation in  
134 the state, retail displays, articles in trade and other journals and  
135 publications. Such education and outreach program shall describe the  
136 outreach efforts that will be used to provide notice of the program to  
137 consumers, municipalities, solid waste management facilities, retailers,  
138 wholesalers and collectors. At a minimum, such education and  
139 outreach program shall notify the public of the following: (A) That  
140 there is a free collection program for all primary batteries; and (B) the  
141 location of collection points and the availability of curbside or  
142 backyard collection of designated recyclable items for collection of  
143 such primary batteries and any other means of access for the collection  
144 of such primary batteries; (10) procedures for reimbursement that are  
145 consistent with the requirements of section 9 of this act; (11) a primary  
146 battery collection rate performance goal that also includes the

147 estimated total weight of primary batteries that are offered for sale in  
148 the state by the producer or the producers participating in such  
149 primary battery stewardship plan; and (12) provisions concerning the  
150 implementation of the primary battery stewardship program in  
151 conjunction with those retailers, municipalities, collectors and solid  
152 waste management facilities acting as collection facilities or collection  
153 points pursuant to such program. Such provisions shall assure that:  
154 (A) No transportation or recycling costs are imposed on retailers,  
155 municipalities, collectors or solid waste management facilities acting as  
156 collection facilities or collection points under such program, (B)  
157 retailers, municipalities, collectors and solid waste management  
158 facilities acting as collection facilities or collection points under such  
159 program are provided with requisite products or equipment for  
160 establishing a collection facility or collection point, and (C) primary  
161 batteries are collected from such retailers, municipalities, collectors  
162 and solid waste management facilities and responsibly managed in  
163 accordance with the requirements of this section.

164 Sec. 3. (NEW) (*Effective from passage*) (a) Any producer of primary  
165 batteries may meet the requirements of sections 2 to 13, inclusive, of  
166 this act by participating in a primary battery stewardship organization  
167 that undertakes the producer's responsibilities under sections 2 to 13,  
168 inclusive, of this act.

169 (b) To qualify as a primary battery stewardship organization, an  
170 organization shall: (1) Commit to assume the responsibilities,  
171 obligations and liabilities of all producers participating in the primary  
172 battery stewardship organization; (2) not create unreasonable barriers  
173 for participation by producers in such primary battery stewardship  
174 organization; and (3) maintain a public Internet web site that lists all  
175 producers and producers' brands covered by the primary battery  
176 stewardship organization's approved primary battery stewardship  
177 plan.

178 (c) (1) On March 1, 2016, and annually thereafter, each primary  
179 battery stewardship organization shall file a registration form with the

180 commissioner. Such registration form shall require submission of the  
181 following information: (A) A list of the producers participating in such  
182 primary battery stewardship organization, (B) the name, address and  
183 contact information of a person responsible for ensuring a producer's  
184 compliance with the provisions of sections 2 to 13, inclusive, of this act,  
185 (C) a description of how the primary battery stewardship organization  
186 proposes to meet the requirements of sections 2 to 13, inclusive, of this  
187 act, including, but not limited to, the requirements for participation in  
188 such primary battery stewardship organization, and (D) the name,  
189 address and contact information of a person at such organization for a  
190 nonmember producer to contact in order to learn how to participate in  
191 such primary battery stewardship organization. Each such annual  
192 registration and renewal shall be accompanied by a registration fee of  
193 fifteen thousand dollars.

194 (2) Any such registration may be renewed, without changes, on a  
195 form as prescribed by the commissioner.

196 Sec. 4. (NEW) (*Effective from passage*) (a) Not later than ninety days  
197 after receipt of a proposed primary battery stewardship plan  
198 submitted pursuant to section 2 of this act, the commissioner shall  
199 determine whether the plan complies with the requirements of section  
200 2 of this act. If the commissioner determines that such plan complies  
201 with the requirements of section 2 of this act, the commissioner shall  
202 notify the producer or primary battery stewardship organization, in  
203 writing, of the plan's approval. If the commissioner rejects such  
204 primary battery stewardship plan, the commissioner shall notify the  
205 producer or primary battery stewardship organization, in writing, of  
206 the reasons for rejecting the plan. Any producer or primary battery  
207 stewardship organization whose plan is rejected by the commissioner  
208 shall submit a revised plan to the commissioner not later than forty-  
209 five days after receipt of such notice of rejection. Any primary battery  
210 stewardship plan that is not approved or rejected by the commissioner  
211 within such ninety day period shall be deemed approved.

212 (b) Any changes to a proposed primary battery stewardship plan

213 shall be approved by the commissioner in writing. The commissioner  
214 may require a producer or a primary battery stewardship organization  
215 to amend an approved plan.

216 (c) The commissioner shall post all proposed primary battery  
217 stewardship plans and all proposed amendments to any primary  
218 battery stewardship plan on the department's Internet web site for a  
219 period of thirty days following the date that such plan or plan  
220 amendment is deemed complete by the commissioner. Any such  
221 posting shall be made in accordance with the provisions of chapter 14  
222 of the general statutes. The commissioner shall establish a process for  
223 the receipt of public comments during any such thirty-day period.

224 (d) The commissioner shall maintain on the department's Internet  
225 web site a copy of all approved primary battery stewardship plans  
226 along with the names of producers with approved plans. Additionally,  
227 the commissioner shall list on said Internet web site all brands of  
228 primary batteries that are covered by an approved plan. The  
229 commissioner shall update such information not later than ten days  
230 after receipt of notice of any change to the listed information. The  
231 commissioner shall list on said Internet web site all known primary  
232 battery producers who are exempt from the requirements of section 8  
233 of this act.

234 (e) Any primary battery stewardship plan approved by the  
235 commissioner pursuant to this section shall be valid for a period not to  
236 exceed five years, provided that the primary battery producer or  
237 primary battery stewardship organization remains in compliance with  
238 the requirements of sections 2 to 13, inclusive, of this act and the terms  
239 of such approved plan.

240 Sec. 5. (NEW) (*Effective from passage*) On or before March 1, 2018, and  
241 annually thereafter, each producer or primary battery stewardship  
242 organization shall submit a report to the commissioner that contains  
243 the following: (1) The weight of primary batteries collected by the  
244 producer or the primary battery stewardship organization in the prior



245 calendar year pursuant to the primary battery stewardship program;  
246 (2) the percentage of primary batteries collected in the prior calendar  
247 year that are from producers who are not participating in any  
248 approved primary battery stewardship program, based on periodic  
249 sorting of primary batteries by the reporting producer or primary  
250 battery stewardship organization; (3) the collection rate achieved in the  
251 prior calendar year pursuant to such primary battery stewardship  
252 program, including, but not limited to, a report of the estimated total  
253 sales data, by weight, for primary batteries sold in the state for the  
254 previous three calendar years; (4) the locations for all collection  
255 facilities established by the producers covered by the primary battery  
256 stewardship plan and contact information for each location; (5)  
257 examples and descriptions of educational materials used to increase  
258 collection; (6) the manner in which the collected primary batteries were  
259 managed and recycled; (7) any material changes to the primary battery  
260 stewardship plan approved by the commissioner pursuant to section 4  
261 of this act; and (8) the cost of implementation of the primary battery  
262 stewardship program, including, but not limited to, the costs of  
263 collection, recycling, education and outreach.

264 Sec. 6. (NEW) (*Effective from passage*) Five years after the  
265 implementation of any approved primary battery stewardship plan  
266 pursuant to sections 2 to 4, inclusive, of this act, the subject producer  
267 or primary battery stewardship organization shall hire an independent  
268 third-party auditor, as selected by the commissioner, to conduct a one-  
269 time audit of the subject primary battery stewardship program. Such  
270 auditor shall examine the effectiveness of the primary battery  
271 stewardship program in collecting and recycling primary batteries.  
272 The independent auditor shall examine the cost-effectiveness of such  
273 program and compare it to collection programs for primary batteries in  
274 other states. The independent auditor shall submit the results of such  
275 audit to the commissioner and the subject producer or primary battery  
276 stewardship organization.

277 Sec. 7. (NEW) (*Effective from passage*) (a) Except as set forth in

278 subsections (b) and (c) of this section, on and after January 1, 2017, any  
279 producer of a primary battery shall not sell, offer for sale or deliver to a  
280 retailer for subsequent sale a primary battery unless: (1) The producer  
281 or the primary battery stewardship organization in which the producer  
282 participates is registered under an approved and implemented  
283 primary battery stewardship plan; (2) the producer or primary battery  
284 stewardship organization remitted payment of the fee established  
285 pursuant to section 3 of this act; and (3) the name of the producer and  
286 the producer's brand is designated on the department's Internet web  
287 site as covered by an approved primary battery stewardship plan.

288 (b) (1) Any producer of a primary battery who, on and after January  
289 1, 2017, seeks to sell, offer for sale, or offer for promotional purposes in  
290 the state a primary battery not previously sold in the state, shall notify  
291 the commissioner prior to selling or offering for sale or promotion, a  
292 primary battery not covered by an approved primary battery  
293 stewardship plan.

294 (2) The commissioner shall list each producer who supplies notice  
295 pursuant to this subsection as a "new producer" on the department's  
296 Internet web site. Any producer that supplies notice pursuant to this  
297 subsection shall have ninety days from the date of such notice to either  
298 join an existing primary battery stewardship organization or submit a  
299 primary battery stewardship plan for approval to the commissioner.

300 (c) The provisions of this section shall not apply to any producer  
301 who annually sells, offers for sale, distributes or imports into the state  
302 primary batteries with a total retail value of less than two thousand  
303 dollars.

304 Sec. 8. (NEW) (*Effective from passage*) (a) Except as provided in  
305 subsection (b) of this section, on and after January 1, 2017, no retailer  
306 shall sell or offer for sale a primary battery unless the producer of the  
307 primary battery has a primary battery stewardship plan approved by  
308 the commissioner, is a member of a primary battery stewardship  
309 organization with a primary battery stewardship plan approved by the

310 commissioner, or is exempt from the requirement to have such a plan  
311 or participate in such an organization, as determined by review of the  
312 producers listed on the department's Internet web site pursuant to  
313 section 7 of this act.

314 (b) No retailer shall be deemed to be in violation of subsection (a) of  
315 this section if: (1) The retailer purchased the primary battery prior to  
316 January 1, 2017, and sells such primary battery on or before January 1,  
317 2018; or (2) the producer's primary battery stewardship plan expired or  
318 was revoked, and the retailer took possession of the in-store inventory  
319 of primary batteries prior to the expiration or revocation of the  
320 producer's primary battery stewardship plan.

321 (c) Any producer who supplies primary batteries to a retailer shall  
322 provide, or have such producer's primary battery stewardship  
323 organization provide, such retailer with educational materials  
324 describing collection opportunities for primary batteries. Such retailer  
325 shall make such educational materials available to consumers.

326 Sec. 9. (NEW) (*Effective from passage*) (a) (1) Any producer or a  
327 primary battery stewardship organization operating under an  
328 approved primary battery stewardship plan that collects primary  
329 batteries that are not listed under such producer's or organization's  
330 approved plan shall be entitled to reimbursement from the producer of  
331 such collected primary batteries, or such producer's primary battery  
332 stewardship organization, for the reimbursable costs per unit of weight  
333 incurred in collecting such batteries.

334 (2) Reimbursement pursuant to subdivision (1) of this subsection  
335 may be requested by a producer or primary battery stewardship  
336 organization only after such producer or organization achieves the  
337 collection rate performance goal of such producer's or organization's  
338 primary battery stewardship program.

339 (3) Reimbursement shall be allowed pursuant to subdivision (1) of  
340 this subsection only for costs incurred in collecting the batteries that

341 are the subject of such reimbursement request. Such reimbursable costs  
342 shall include: (A) Costs of collection, transport, recycling and other  
343 methods of disposition identified in a primary battery stewardship  
344 plan approved pursuant to section 4 of this act, and (B) reasonable  
345 educational and promotional and administrative costs.

346 (b) (1) Any producer or primary battery stewardship organization  
347 that incurs reimbursable costs, as described in subsection (a) of this  
348 section, shall submit a request to the producer of the collected primary  
349 battery or such producer's primary battery stewardship organization.  
350 Any producer or primary battery stewardship organization that  
351 receives a request for reimbursement pursuant to this subsection may,  
352 prior to payment of such request and not later than thirty days after  
353 receipt of such request for reimbursement, request an independent  
354 audit of the requested reimbursement costs. The independent auditor  
355 shall verify the reasonableness of the reimbursement request. If the  
356 independent auditor confirms the reasonableness of such  
357 reimbursement request, the producer or primary battery stewardship  
358 organization that requested the audit shall pay the costs of the  
359 independent auditor and the requested amount of reimbursement. If  
360 the independent auditor determines that the reimbursement request  
361 was not reasonable, the producer or primary battery stewardship  
362 organization that initiated such reimbursement request shall pay the  
363 cost of the independent auditor and shall only be paid the amount of  
364 reimbursement request that the independent auditor determines to be  
365 reasonable.

366 (2) The department shall not be required to provide assistance or  
367 otherwise participate in a reimbursement request or independent audit  
368 described in subdivision (1) of this subsection.

369 Sec. 10. (NEW) (*Effective from passage*) (a) Any producer or primary  
370 battery stewardship organization implementing an approved primary  
371 battery stewardship plan in compliance with the requirements of  
372 sections 2 to 4, inclusive, of this act, may bring a civil action against  
373 another producer or primary battery stewardship organization for

damages when: (1) The plaintiff producer or primary battery stewardship organization incurs more than one thousand dollars in actual reimbursable costs, collecting, handling, recycling or properly disposing of primary batteries sold or offered for sale in the state by the defendant producer; (2) the producer from whom damages are sought in such action: (A) Can be identified as the producer of the collected primary batteries from a brand or marking on the discarded battery or from other information available to the plaintiff producer or primary battery stewardship organization, and (B) does not operate or participate in an approved primary battery stewardship organization in the state or is not otherwise in compliance with the requirements of sections 2 to 4, inclusive, of this act; or (3) the plaintiff producer or primary battery stewardship organization submitted a reimbursement request to another producer or primary battery stewardship organization pursuant to section 9 of this act and the plaintiff producer or primary battery stewardship organization does not receive reimbursement within: (A) ninety days of such reimbursement request, provided an independent audit was not requested in accordance with section 9 of this act, or (B) sixty days of completion of an independent audit and the independent auditor determined that reimbursement was owed to the plaintiff producer or primary battery stewardship organization.

(b) Any action brought against a producer who participates in a primary battery stewardship program that covers multiple producers shall be brought against such primary battery stewardship organization rather than such individual producer.

(c) The department shall not be a party to or be required to provide assistance or otherwise participate in any civil action brought pursuant to this section.

Sec. 11. (NEW) (*Effective from passage*) Each producer and primary battery stewardship organization shall be immune from liability for any claim of a violation of antitrust law or unfair trade practice, if such conduct is a violation of antitrust law, to the extent such producer or

407 organization is exercising authority pursuant to the provisions of  
408 sections 2 to 4, inclusive, of this act.

409       Sec. 12. (NEW) (*Effective from passage*) Any information received by  
410 the department pursuant to the provisions of sections 2 to 13,  
411 inclusive, of this act shall be disclosed in accordance with the  
412 provisions of chapter 14 of the general statutes except that the  
413 commissioner shall not make public information which, in the  
414 commissioner's judgment, contains or relates to trade secrets or  
415 commercial or financial information obtained from a person that is  
416 privileged or confidential. The total weight of batteries collected under  
417 an approved primary battery stewardship plan shall not be deemed to  
418 be confidential business information.

419       Sec. 13. (NEW) (*Effective from passage*) The Commissioner of Energy  
420 and Environmental Protection may adopt regulations, in accordance  
421 with the provisions of chapter 54 of the general statutes, to implement  
422 the provisions of sections 2 to 15, inclusive, of this act.

423       Sec. 14. (NEW) (*Effective from passage*) Not later than three years after  
424 the approval of a primary battery stewardship plan pursuant to section  
425 4 of this act, the Commissioner of Energy and Environmental  
426 Protection shall submit a report, in accordance with section 11-4a of the  
427 general statutes, to the joint standing committee of the General  
428 Assembly having cognizance of matters relating to the environment.  
429 Such report shall provide an evaluation of the subject primary battery  
430 stewardship program, including, but not limited to, information  
431 concerning: (1) The amount, by weight, of primary batteries collected  
432 under such approved primary battery stewardship plan; (2) the  
433 percentage of collected batteries not covered by or attributable to a  
434 primary battery producer implementing an approved primary battery  
435 stewardship plan or participating in an approved primary battery  
436 stewardship organization; and (3) recommendations for any legislation  
437 concerning primary battery stewardship programs, including whether  
438 additional producers of batteries or battery containing products should  
439 be required to implement battery stewardship programs.

440       Sec. 15. (NEW) (*Effective from passage*) (a) The Commissioner of  
441       Energy and Environmental Protection may seek civil enforcement of  
442       the provisions of sections 2 to 13, inclusive, of this act pursuant to  
443       chapter 439 of the general statutes.

444       (b) Whenever, in the judgment of the commissioner, any person has  
445       engaged in or is about to engage in any act, practice or omission that  
446       constitutes, or will constitute, a violation of any provision of sections 2  
447       to 13, inclusive, of this act, the Attorney General may, at the request of  
448       the commissioner, bring an action in the superior court for the judicial  
449       district of New Britain for an order enjoining such act, practice or  
450       omission. Such order may require remedial measures and direct  
451       compliance with the provisions of sections 2 to 13, inclusive, of this act.  
452       Upon a showing by the commissioner that such person has engaged in  
453       or is about to engage in any such act, practice or omission, the court  
454       may issue a permanent or temporary injunction, restraining order or  
455       other order, as appropriate.

456       (c) Any action brought by the Attorney General pursuant to this  
457       section shall have precedence in the order of trial, as provided in  
458       section 52-191 of the general statutes.

459       Sec. 16. (NEW) (*Effective from passage*) (a) No person shall place a  
460       discarded primary battery, as defined in section 1 of this act, in mixed  
461       municipal solid waste or discard or otherwise dispose of such a  
462       discarded primary battery except by discarding such primary battery  
463       as part of a primary battery stewardship program authorized pursuant  
464       to sections 2 to 4, inclusive, of this act.

465       (b) Any person who violates the provisions of subsection (a) of this  
466       section shall be fined not more than five hundred dollars. Each  
467       primary battery disposed of in violation of this section shall constitute  
468       a separate offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In section 11, "council" was changed to "organization" for consistency.

**ENV**      *Joint Favorable Subst. -LCO*